

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION**

BRYAN RISER,
Plaintiff,

vs.

ESTEBAN MONTENEGRO,
Defendant.

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Civil Action No. 3:22-CV-01014-C

**DEFENDANT’S RESPONSE TO PLAINTIFF’S PARTIALLY UNOPPOSED
MOTION FOR LEAVE TO CONDUCT DISCOVERY**

NOW COMES Defendant Esteban Montenegro (hereinafter “Defendant” or “Montenegro”), Defendant in the above-referenced cause, and files his Response to Plaintiff’s Partially Unopposed Motion or Leave to Conduct Discovery (Dkt. #41), and would respectfully show as follows:

I.

Defendant no longer opposes Plaintiff’s request to depose A. Lopez, Brent Mauldin, Saul Sarmiento, or Jason Fine/representative of the Dallas D.A.’s Office. Defendant does reserve the right, however, to object to the examination of these witnesses to the extent Plaintiff’s examination exceeds the scope of issues relevant to Defendant’s qualified immunity defense, as asserted in his pending motion for summary judgment.

Additionally, Plaintiff Bryan Riser has subpoenaed Defendant Montenegro to testify under oath at a civil service hearing contesting Plaintiff’s termination from the City of Dallas Police Department on January 11, 2024. Plaintiff’s lawyer in that matter has specifically advised counsel for Defendant that he intends to attempt to discredit Defendant’s investigation of Plaintiff and the probable cause affidavit that served as the basis for Plaintiff’s arrest, the very

subjects that are at issue in this suit. Depending upon the scope and results of that examination and testimony, Defendant may have additional objections to the necessary scope of his deposition in this case, and may object that the deposition is no longer necessary at all.

WHEREFORE, PREMISES CONSIDERED, Defendant asks the Court for such and relief, both general and special, at law or in equity, to which he may show himself to be justly entitled.

Respectfully submitted,

/s/ Thomas P. Brandt

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ATTORNEYS FOR DEFENDANT

CERTIFICATE OF SERVICE

I hereby certify that on December 22, 2023, I electronically filed the foregoing document with the Clerk of the Court through the ECF system and an email notice of the electronic filing was sent to all attorneys of record.

/s/ Thomas P. Brandt

THOMAS P. BRANDT